

REMARKS

Claims 43-74 are pending in the present application.

Claims 1-42 have been previously canceled without *prejudice*.

Claims 43-48, 50, 59-64, and 66 stand rejected under 35 U.S.C. § 103(a) over EP 425,405 A2 to James et al. (“*James*”) in view of U.S. Patent No. 5,459,656 to Fields et al. (“*Fields*”) and “The keys to the enterprise: integrated applications drive information systems to new horizons – enterprise wide integration” to Dusty Rhodes (“*Rhodes*”) and in further view of U.S. Patent No. 5,727,164 to Kaye et al. (“*Kaye*”).

Claims 49, 51-58, 65, 67-69, and 71-74 stands rejected under 35 U.S.C. § 103(a) over *James* in view of *Fields*, *Rhodes* and *Kaye* and in further view of “Dun & Bradstreet Software Delivers Sales and Promotion System to Manufacturers” to Frank O. Smith (“*Smith*”).

Applicant notes with thanks the Examiner’s response of June 14, 2011.

Applicant respectfully submits that all of Applicant’s arguments and amendments are without prejudice or disclaimer. In addition, Applicant has merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. Applicant further respectfully submits that by not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner’s additional statements. The example distinctions discussed by Applicant are considered sufficient to overcome the Examiner’s rejections. In addition, Applicant reserves the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

I. Support for Current Claim Amendments

In compliance with 35 U.S.C. § 112, Applicant respectfully submits that support for Applicant’s current claim amendments may be found in at least the following portions of Applicant’s specification, as filed, provided below for the Examiner’s convenience:

Pg 15, ln 4-pg. 16, ln 25 “Allocations to Sellers” and FIG. 4. For example, as discussed in this section, South sales office 414 is a non-limiting example of a parent seller, while Joe 418 and Sally 419 are non-limiting examples of sub-sellers (see pg. 16 ln 10-11) associated with the parent seller. In addition, for example, Pg. 16, ln. 5-15 states, among other things that, in some cases, the sub-sellers (e.g. Joe and Sally) “must reserve the amount they need before they can actually promise it, since the other sales people may be considering using the same allocations” (pg. 16, ln 12-13).

II. Rejections under 35 U.S.C. § 103(a):

Claims 43-48, 50, 59-64, and 66 stand rejected under 35 U.S.C. § 103(a) over *James* in view of *Fields* and *Rhodes* and *Kaye* in further view of *Rhodes*. Claims 49, 51-58, 65, 67-69, and 71-74 stand rejected under 35 U.S.C. § 103(a) over *James* in view of *Fields*, *Rhodes* and *Kaye* and in further view of *Smith*.

Applicant respectfully submits that Claims 43-74 in their current amended form contain unique and novel limitations that are not taught, suggested, or even hinted at in *James*, *Fields*, *Rhodes*, *Kaye* or *Smith*, either individually or in combination. In fact, ***Applicant’s claims as currently amended render the rejection of Claims 43-74 under 35 U.S.C. § 103(a) moot.*** Thus, Applicant respectfully traverses the Examiners obvious rejection of Claims 43-74 under 35 U.S.C. § 103(a) over the proposed combination of *James*, *Fields*, *Rhodes*, *Kaye* or *Smith*, either individually or in combination.

In response to Applicant’s arguments, Examiner states:

“Applicant argues that the Kaye reference does not teach nor suggest “a hierarchy of seller models, each seller model representing a seller of one or more products within a hierarchy of sellers and within a seller organization.” However, the Office takes the position that Kaye does in fact teach this feature (Kaye: Col. 3, Ln. 50-Col. 4, Ln. 26). **This cited portion of Kaye talks about a family/subfamily item format which is equivalent to a hierarchy.** The family/subfamily terms in Kaye are used **in reference to inventories** managed by sellers or seller organizations.”

(June 14, 2011 Final Office Action, page 20-21). Applicant respectfully points out that the claim language ***does not*** refer to a hierarchy of products, as the Examiner has attempted to identify in

Kaye. Apparently, the Examiner read the claim element as “one or more products within a hierarchy.” However, this is an incorrect reading. The claim recites “each seller model representing a seller . . . within a hierarchy of sellers and within a seller organization.” The adjective prepositional phrase “of one or more products” simply modifies “a seller.” According to the Examiner’s reading, the language would be equal to, “a seller of one or more products . . . of sellers and within a seller organization,” with “within a hierarchy” modifying “products.” Obviously, this interpretation does not make sense. Therefore, Applicant requests that the Examiner utilize simple rules of English grammar when examining Applicant’s claims. Further, Applicant submits that the Examiner has not shown how the prior art discloses “each seller model representing a seller of one or more products within a hierarchy of sellers and within a seller organization.”

Accordingly, Applicant respectfully requests that the rejection of Applicant’s claims as obvious over the proposed combination of *James, Fields, Rhodes, Kaye* and *Smith* be withdrawn.

III. Applicant’s Claims are Patentable over the Proposed *James-Fields-Rhodes-Kaye-Smith* Combination

Applicant respectfully submits that Claim 43 is considered patentably distinguishable over the proposed combination of *James, Fields, Rhodes, Kaye* or *Smith*. This being the case, Claims 51, 59, and 67 are also considered patentably distinguishable over the proposed combination of *James, Fields, Rhodes, Kaye* or *Smith*, for at least the reasons discussed above in connection with Claim 43.

Furthermore, with respect to dependent Claims 44-50, 52-58, 60-66, and 68-74; Claims 44-50 depend from Claim 43; Claims 52-58 depend from Claim 51; Claims 60-66 depend from Claim 59; and Claims 68-74 depend from Claim 67. As mentioned above, each of Claims 43, 51, 59, and 67 are considered patentably distinguishable over *James, Fields, Rhodes, Kaye* or *Smith*. Thus, dependent Claims 44-50, 52-58, 60-66, and 68-74 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons set forth herein, Applicant respectfully submits that Claims 43-74 are not rendered obvious by the proposed combination of *James, Fields, Rhodes, Kaye* or *Smith*. Applicant further respectfully submits that Claims 43-74 are in condition for allowance. Thus,

Applicant respectfully requests that the rejection of Applicant's claims under 35 U.S.C. § 103(a) be reconsidered and that Claims 43-74 be allowed.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

A Request for Continued Examination (RCE) is being filed electronically herewith to facilitate the processing of this deposit account authorization. **The Director is hereby authorized to charge the RCE fee and the one month extension of time fee, to Deposit Account No. 500777.** Although Applicants believe no additional fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777.** If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777.**

Respectfully submitted,

October 14, 2011
Date

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